IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23805 of 2004

Between:

D.Venkaiah, S/o.Raghavaiah, @ Kappaiah,
R/o.Kothur Village, Nellore bit-I, Nellore.

... PETITIONER

AND

1 Mandal Revenue officer, Nellore, Nellore District.
2 Panchayat Secretary, Kothur Gram, Panchayat, Kothur Village,

Nellore Bit-I, Nellore.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in interfering with the peaceful possession and enjoyment of the petitioner of the land in an extent of 40 Ankanms in S.No.2082, Arundhathi wada, Kothur Village, Nellore Bit-I, Nellore with a direction to the Respondents not to interfere with peaceful possession and enjoyment of the petitioner of the said land without following due process of law and pass.

Counsel for the Petitioner: MR.M.V.S.SAI KUMAR

Counsel for the Respondent No.1: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.2: Mr. D. Srinivas

The Court, at the admission stage, made the following:

ORDER:

Petitioner, claiming to be the successor of the lands of his father in an extent of Ac.4.00 cents in S.No.2084/1 and 2084/2 in Kothur Village, Nellore Bit-I and who raised two thatched houses in S.No.2082 of the Grama Nattam of the said village, states that he has been in peaceful possession and enjoyment of the said Ac.4.00 cents of land and two thatched houses in an extent of 40 *ankanams*. It is alleged by the petitioner that on 12-12-2004, respondents removed the two thatched houses raised by him. Aggrieved by the said action, he made a representation to the District Collector, Nellore on 13-12-2004 requesting him to take appropriate action and to permit to raise house in the subject land. Complaining that no action has been taken on the said representation, the present writ petition is filed.

2. Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj and Rural Development and
Mr. D.Srinivas for second respondent.

3. Admittedly the subject thatched houses are removed at the behest of petitioner's own sister. In nut shell the petitioner seeks a direction for re-erection of the subject houses, which is not permissible. However, the petitioner is at liberty to pursue the representation, pending before the District Collector. There are no merits warranting interference by this Court.

Accordingly, the writ petition is dismissed. No costs.

N.V. RAMANA, J

January 17, 2005

MRR / TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 Mandal Revenue officer, Nellore, Nellore District.
2 Panchayat Secretary, Kothur Gram, Panchayat, Kothur Village,

Nellore Bit-I, Nellore.

3 Two C.C. s to the G.P. for Panchayat Raj and Rural

Development, High Court Buildings, Hyderbad (OUT)

4 Two C.D. Copies.